

# Issues of Merit

A Publication of the Office of Policy and Evaluation, U.S. Merit Systems Protection Board

November 1997

## Director's Perspective

### Balancing Act: The Federal Hiring Process

Hiring people has always been a balancing act in which managers' desire to quickly fill vacancies is tempered by their need to find high quality candidates. As experience demonstrates, however, recruiting and selecting well-qualified, motivated, and productive employees is not always as quick and easy as we would like to make it. Nor, indeed, should speed of hiring be overemphasized at the expense of candidate quality. This is especially true in the federal government where adherence to merit principles and public policy considerations—such as veterans preference and the requirement to recruit from all segments of society—must be taken into account along with specific job requirements and the urgency to fill vacancies.

Striving to hire the best people in the most expeditious manner is not a new phenomenon, nor is it an unworthy goal. But there are changes in the federal HRM environment that may be increasing the pressure to hire quickly and easily while at the same time reducing our ability to ensure that good, merit-based hiring decisions also are made. These changes include:

- downsized organizations that leave managers anxious to fill vacancies as soon as possible;
- managers' growing expectations that the "three Ds"—deregula-

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### OPE Focus on the Facts

#### *Belief:*

**In the wake of government downsizing, de-layering of federal organizations, and various management reforms, job satisfaction of Federal employees over the last decade has shown a steady decline.**

#### **Fact:**

Job satisfaction among federal employees has remained virtually unchanged since at least 1986. In surveys of federal employees conducted in 1986, 1989, 1992, and 1996, around 70 percent of respondents said they were satisfied with their jobs.

Source: MSPB Merit Principles Surveys, 1986, 1989, 1992, 1996

### More Panel News

The Board's Office of Policy and Evaluation continues to gather data from its standing panels of managers and supervisors, HRM professionals, and federal union representatives who have agreed to periodically provide their views on specific HRM issues. Although the information we obtain this way does not necessarily reflect the views of all federal employees in these groups, it nevertheless provides qualitative insights into the perceptions and concerns of many employees in important segments of the federal workforce. As promised in earlier *Issues of Merit*, here are more results from those panel surveys.

### Government Managers and HRM Competencies

When we asked managers and supervisors to rate the importance of each of twelve competencies in the day-to-day performance of their HRM activities, all the competencies listed were rated either "important" or "very important." But

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tion, decentralization, and delegation of personnel authorities—will allow jobs to be filled more quickly than in the past; and

- a more active HRM role assigned to already-busy managers whose natural inclination may be to spend a minimum amount of time on recruitment and placement activities.

While all of these changes have positive potential, they can also have some unintended negative consequences. For example, giving managers more responsibility for HRM and holding them accountable for results may be a sound long-term goal, but many Federal managers currently rate themselves only minimally proficient in their knowledge of federal HRM laws and procedures (see “More Panel News” in this issue). Until they become more competent in HRM matters, these managers may continue to need assistance with the federal hiring process.

Possible evidence of the growing pressure for “quick and easy” hiring may be the increasing use of the outstanding scholar appointment authority as a vehicle to hire entry-level employees in certain professional and administrative occupations. This authority allows college graduates with grade point averages of 3.5 or better (on a 4.0 scale) to be hired for the specified occupations without competing for these jobs with any other candidates. This is about as easy as it gets. In a number of agencies, use of the outstanding scholar authority now accounts for the large majority of the new entry-level hires being made into the specified occupations.

The potential downside to the increased use of college grade point average as a screening device is that, in addition to not being a particularly good predictor of job success, it can result in a very small applicant pool—as small as a single candidate. If that's the case, then it's fair to question whether the public's interest in an open merit system

is being adequately protected. This is an issue that the Office of Policy and Evaluation will be examining more closely.

Finally, it's worth noting in discussing this topic that one of the ongoing objectives laid out in the Office of Personnel Management's five year strategic plan is to “increase the quality of the Federal workforce by continually encouraging the use of valid, fair, and merit-based examining procedures for selection and promotion.”

Although only one sentence in a 50-page document, this is an extremely important objective and one for which MSPB has long been a vigorous advocate. We believe that the availability and use of such examining procedures—especially ones that can get high quality employees on board relatively quickly—will become increasingly important as a way for federal agencies to deal effectively with the changing HRM environment.

*John M. Palguta*

Director, Policy and Evaluation

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## More Panel News *(continued from page 1)*

when we asked managers to rate their own proficiency on each of the competencies, the ratings were not nearly so uniform. As might be expected, most managers rated themselves “very proficient” or “somewhat proficient” in the traditional HRM skills such as decisiveness, leadership, and interpersonal skills. However, almost one-third of the managers admitted to being just “minimally profi-

cient” in the competencies involving knowledge of HRM laws and procedures, which they had previously rated “important.” The discrepancy between how managers rated the importance of dealing with HRM laws competently and the proficiency they believe they possess in this area, suggests the need for strategies that will help to raise the level of managers' proficiency. It also suggests the importance of the continuing availability of knowl-

edgeable HRM specialists to advise managers on HRM activities.

Among the competencies listed, several stood out as most important for managers to have in the next five years. The competencies managers see as most needed for the future are the ability to manage a diverse workforce and the ability to manage change.

While the concept of “managing a diverse workforce”

might bring to mind traditional EEO or affirmative action considerations, comments from survey participants clearly indicate that they envision a much broader definition. In addition to race, ethnic, and gender group differences, the managers and supervisors on our panel included in their references to a diverse workforce the special challenges associated with managing work-at-home employees, managing an older or age-diverse workforce, and manag-

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ing employees with varying levels of technical skills or experiences. Overlaying these aspects of diversity, managers also noted the applications of new technologies, such as e-mail, video-conferencing, and the increased reliance on work teams to accomplish agency missions.

These responses tell us that front-line managers recognize that their future will not be business as usual. The competencies that survey participants rated the most critical for the future indicate not so much that traditional HRM competencies are no longer important, but that the environment in which they are exercised will be very different. Leadership, interpersonal skills, and other HRM competencies surely will remain important tools for the managers. But the diversity of the workforce and the changes

in the work environment will add a new dimension to traditional competencies. It is essential that federal leaders recognize this transition so that they can assure that managers have the help they need to adapt their skills to deal not only with the workforce itself, but also with a changing work environment.

### Source and Quality of HRM Service

Another panel survey focused on the quality of human resources services that managers and supervisors are receiving. One item on this questionnaire asked respondents to think about an incident during the past year when they had received “particularly outstanding” or “particularly poor” support from their primary source of personnel management services. It was interesting to note that somewhat more than half of the incidents cited (including both good and bad levels of support) involved staffing or recruitment services. In comparison, only about one-fifth of the issues cited by respondents were employee relations-type issues, and a sixth were classification issues.

In analyzing the responses, we sought to identify the qualities or traits that typified outstanding or poor performance by the personnel office. From this analysis, it appears that supervisors most appreciate the HR staff:

- providing directly applicable guidance;
- providing assistance in a timely manner;
- displaying a supportive attitude; and

- possessing technical expertise on the issues.

Other helpful behaviors or traits that were cited (but not as frequently) include HR staff being willing and able to spend the time necessary to properly research issues, and HR staff working collaboratively with the supervisor to effect needed actions.

In contrast, supervisors are most displeased with an HR staff that

- takes too long to complete the tasks requested;
- exhibits incompetence (e.g., provides wrong answers); and
- shows an unhelpful attitude, fails to return phone calls, or is otherwise rude.

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Other, less frequently cited personnel office problems include:

- lack of creativity or initiative;
- being too inflexible or rule-bound; and
- the personnel system (as distinguished from the individuals administering the system) being too bureaucratic and time-consuming.

In a time of shrinking resources and increasing work demands, it is vitally important that line managers and personnel offices have an effective working partnership. With the above information and insights in hand, HR professionals—

and the managers they serve—may be better able to jointly improve their working relationships and their agency's mission accomplishments.

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## Federal Managers and Public Policy Challenges

There's nothing easy about being a federal manager these days. Perhaps there never was. But as every year passes federal managers have more and more policies to implement, goals to attain, and statutes to uphold.

Among the public policies that federal managers have the duty to promote is the antidiscrimination policy established by Congress at section 7201 of Title 5 of the U.S. Code. This requires government agencies to recruit minorities "to eliminate underrepresentation in the various categories of civil service employment within the Federal service." (The term "categories" refers to the various grades and occupations within the general schedule and wage grade job groups.)

Studies have shown that the government is doing a generally good job, on an aggregate level, of recruiting minorities and eliminating underrepresentation. A report published by the Board in 1996 noted that minorities have made substantial progress in gaining access to federal civil service jobs. At the same time, that report, and a recently-published MSPB report on barriers to Hispanic employment, point out that one minority group—Hispanics—

still has not achieved full representation, on an aggregate level, in the federal workforce. Hispanics make up 6 percent of the federal workforce, but over 10 percent of the U.S. civilian labor force.

So federal managers have progress yet to make in meeting the requirements of section 7201 with regard to Hispanic representation. But the nature of government work, along with demographic realities and other public policies make attaining these statutory goals particularly challenging.

For example, government work is primarily white-collar work and almost all of it requires at least a high school diploma. To perform many government jobs adequately requires college-level education. MSPB's recent report on Hispanic job barriers points out that nearly 47 percent of Hispanics in the U.S. have less than a high school education. This situation alone takes nearly half of Hispanics out of the labor pool from which federal managers seek Hispanic candidates to fill their jobs.

But the nature of government work is not the only challenge to managers who are trying to address underrepresentation. It is a demographic fact that the locations of the richest labor pools for hiring Hispanics are not the same places where most federal jobs are located. Only 34 percent of civil service jobs are in the ten states where over 86 percent of the U.S. Hispanic population lives. This means that managers whose vacancies are not in Hispanic population centers may need to recruit outside their commuting areas if they

wish to reach more Hispanic candidates.

Other public policies also play a role in complicating federal managers' implementation of public law. One such policy is the requirement that most civil service jobs (outside the Postal Service) be restricted to U.S. citizens. Since some 35 percent of Hispanics in the U.S. labor force are not citizens, this significant portion of the U.S. Hispanic labor pool is off-limits to most federal recruiters.

All these factors are challenges that federal managers face in implementing the public laws and policies entrusted to them. And these factors should play a significant role in decisions that agency leaders make about how they will support managers in carrying out their responsibilities. In the case of Hispanic employment, achieving full representation—as the law requires—will not be done without some change to the status quo.

(See the bottom of page 6 for information on obtaining a copy of the MSPB report on Hispanic employment.)

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## Due Process: An Evolving Right for Federal Workers

Unlike the millions of Americans who can be fired at will, most career federal employees are protected against being fired without cause. Most federal employees also have the right to appeal their terminations, as well as some other actions taken against

*(continued on page 5)*



them, to an independent adjudicative agency, and then to court. These employee rights are the product of a slow and still ongoing evolution.

Federal employee due process protections can be traced to the Lloyd-LaFollette Act of 1912. This law provided

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that employees in the career civil service could be removed from their jobs only for such cause as would promote the efficiency of the service. For the next thirty years, however, federal employee due process protections existed in name only. Because the Lloyd-LaFollette Act did not specify to whom federal employees could appeal, agencies and courts routinely refused to give any force to its provisions.

This situation changed for one subset of federal employees in the mid-1940s. The Veterans Preference Act of 1944 gave employees such as combat veterans the right to obtain a Civil Service Commission review of serious adverse personnel actions; that right of review forced federal agencies to apply the provisions of the Lloyd-LaFollette Act to actions taken against covered employees. About twenty years later, President Kennedy extended comparable review rights to most other career federal employees. Then, in 1974, the Supreme Court held that the Constitution actually required

that most federal workers be given the very type of review rights that had been extended to them in the 1960s by presidential executive order. In *Arnett v. Kennedy*, the Court held that the Lloyd-LaFollette Act provided most career employees with a property interest in continued federal employment, and such a property right could not be taken away without adequate notice and a chance for a fair hearing.

Because the Supreme Court concluded that the due process rights of federal employees were based upon a statute, the Court also implicitly held that Congress could pass different statutes, and thereby alter those due process rights. That has, in fact, occurred on several occasions since the Court issued its decision in *Arnett*. For example, in 1978, Congress enacted the Civil Service Reform Act which created an independent, bipartisan agency, the MSPB, to hear employee appeals and to render decisions

that could be further appealed to court. (Previously, most courts had refused to allow appeals from Civil Service Commission rulings.) And in the late 1980s, Congress extended the due process protections of the Lloyd-LaFollette Act to over 200,000 postal managers and supervisors, and career employees in the excepted service. These employees had not previously been allowed to seek any outside review of adverse personnel actions.

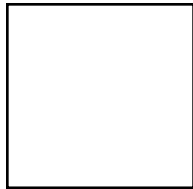
Federal employees began this century with no due process rights. Today, because of a combination of congressional, presidential, and judicial actions, they have significant protections against arbitrary dismissals. Given this evolution, it is reasonable to assume that federal employee due process rights are not set in stone and that one or more of the branches of government will be actively involved in the coming years in reshaping these rights.

### **Federal Employees Rate Agencies on How Well They Observe the Merit Principles**

The merit principles are a set of values that are prescribed by law—they're listed in Title 5 of the U.S. Code at section 2301—and reflect the nation's values regarding how federal workers should be treated by their employers. The principles include the concepts of fair and open competition, retention of employees based on performance, equal pay for equal work, and protection from

reprisal. In September 1997 the Board published a report, based on a survey of 9,700 workers, about how well federal employees think their agencies are upholding the merit principles. See the bottom of page 6 for information on how to obtain a free copy of the report "Adherence to the Merit Principles in the Workplace: Federal Employees' Views."

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## Recent Publications from the Office of Policy and Evaluation\*

- ☐ Adherence to the Merit Principles in the Workplace: Federal Employees' Views
- ☐ Achieving a Representative Workforce: Addressing the Barriers to Hispanic Representation
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"Issues of Merit" provides findings and recommendations drawn from MSPB research on topics and issues relevant to the effective operation of the federal merit systems and the significant actions of the Office of Personnel Management.